

Barry Himmelstein, SBN 157736
E-mail: barry@himmellaw.com
HIMMELSTEIN LAW NETWORK
2000 Powell St., Ste. 1605
Emeryville, CA 94608
Telephone: (510) 450-0782
Facsimile: (510) 380-6147

Sheri L. Kelly, SBN 226993
E-mail: slk@sherikellylaw.com
LAW OFFICE OF SHERI L. KELLY
31 E. Julian St.
San Jose, CA 95112
Telephone: (408) 287-7712
Facsimile: (408) 583-4249

Attorneys for Plaintiff Margo Perryman

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARGO PERRYMAN individually, and for
other persons similarly situated,

Plaintiff,

vs.

LITTON LOAN SERVICING, LP; OCWEN
LOAN SERVICING LLC; SOUTHWEST
BUSINESS CORPORATION; AMERICAN
SECURITY INSURANCE COMPANY;
AMERICAN MODERN HOME
INSURANCE COMPANY; ALTISOURCE
PORTFOLIO SOLUTIONS, S.A.; and DOES
4-100,

Defendants.

Case No.: 3:14-cv-02261-JST

**JOINT STIPULATION TO STAY CASE
AGAINST DEFENDANT BELTLINE
ROAD INSURANCE AGENCY, INC. AND
SPECIALLY APPEARING DEFENDANT
ALTISOURCE PORTFOLIO SOLUTIONS
S.A. PENDING RESOLUTION OF
SETTLEMENT PROCEEDINGS IN *LEE
V. OCWEN LOAN SERVICING, LLC*;
~~PROPOSED~~ ORDER**

1 Plaintiff Margo Perryman (“Plaintiff”), defendant Beltline Road Insurance Agency, Inc.
2 (“Beltline”) and specially appearing defendant Altisource Portfolio Solutions S.A. (“Altisource”),
3 through their respective attorneys, stipulate as follows:

4 WHEREAS, on October 21, 2014, Plaintiff filed a First Amended Class Action Complaint
5 (“FAC”) against Altisource and Beltline challenging Altisource’s and Beltline’s practices relating
6 to defendant Ocwen Loan Servicing, LLC’s lender-placed insurance program (Dkt. No. 108);

7 WHEREAS, on December 18, 2014, defendants Ocwen Loan Servicing, LLC (“Ocwen”) and American Security Insurance Company (“ASIC”) executed a settlement agreement in the case
8 *Lee v. Ocwen Loan Servicing, LLC*, No. 0:14-CV-60649 (“*Lee*”), pending in the United States
9 District Court for the Southern District of Florida, which, if approved, will release Plaintiff’s
10 claims, and the claims of the classes she seeks to represent, against Altisource and Beltline in this
11 case (hereinafter the “Settlement”);

12 WHEREAS, on January 23, 2015, the *Lee* court entered an order preliminarily approving
13 the Settlement. *See Lee v. Ocwen Loan Servicing, LLC*, No. 0:14-CV-60649, 2015 WL 178220 at
14 *8 (S.D. Fla. Jan. 13, 2015), *report and recommendation adopted*, No. 0:14-CV-60649, 2015 WL
15 309441 (S.D. Fla. Jan. 23, 2015);

16 WHEREAS, in granting preliminary approval, the *Lee* court entered a preliminary
17 injunction, providing that “[a]ll Settlement Class Members who do not timely exclude themselves
18 from the Settlement Class are hereby preliminarily enjoined from directly or indirectly (i) filing,
19 commencing, prosecuting, intervening in, or participating in (as class members or otherwise), any
20 lawsuit in any jurisdiction for the Released Claims ...” *Lee*, 2015 WL 178220 at *8;

21 WHEREAS, on February 26, 2015, this Court entered an order granting Ocwen’s and
22 ASIC’s motions to stay this case as against them in light of the *Lee* Settlement, finding that
23 Plaintiff “is a Settlement Class Member in *Lee* and therefore is enjoined from participating in a
24 lawsuit against Ocwen and ASIC regarding the claims covered by the *Lee* settlement.” (Dkt. No.
25 177, p. 10);

26 WHEREAS, on February 26, 2015, this Court entered an order granting Beltline’s motion
27 to dismiss, and also granted Plaintiff leave to amend to add additional allegations as to Beltline
28

(Dkt. No. 177, p. 8);

WHEREAS, on February 26, 2015, Altisource filed a motion to dismiss Plaintiff's claims against it pursuant to Rule 12(b)(2), (b)(5) and (b)(1) of the Federal Rules of Civil Procedure (Dkt. No. 176);

WHEREAS, on March 3, 2015, Beltline filed a motion to stay this action as to Altisource and Beltline in light of the pending *Lee* Settlement (Dkt. No. 178);

WHEREAS, Plaintiff, Altisource, and Beltline hereby stipulate and agree to stay this action against Altisource and Beltline, including vacating the current response, reply, and hearing dates for Altisource's pending motion to dismiss (Dkt. No. 176) and Beltline's pending motion to stay (Dkt. No. 178), until the *Lee* court enters an order either granting or denying final approval of the Settlement;

WHEREAS, if the *Lee* Court denies final approval, Plaintiff and Altisource stipulate and agree that Altisource shall have fourteen (14) days after the date final approval is denied to respond to Plaintiff's Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Plaintiff, Altisource, and Beltline that:

- This action shall be stayed against Altisource and Beltline until the *Lee* Court enters an order either granting or denying final approval of the Settlement;
- The current response, reply, and hearing dates for Altisource's pending motion to dismiss (Dkt. No. 176), and Beltline's pending motion to stay (Dkt. No. 178), are hereby vacated;
- Nothing herein shall constitute a waiver of any defense of Altisource, including without limitation defenses based on lack of personal jurisdiction, lack of subject matter jurisdiction, and insufficient service of process; and
- If the *Lee* Court denies final approval, Altisource shall have fourteen (14) days after the date final approval is denied to respond to Plaintiff's Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure.

1 DATED: March 11, 2015

LAW OFFICE OF SHERI L. KELLY

2 By: /s/ Sheri L. Kelly

3 Attorney for Plaintiff

4 MARGO PERRYMAN

5 DATED: March 11, 2015

STROOCK & STROOCK & LAVAN

7 By: /s/ David W. Moon

8 Attorneys for Defendants

9 ALTISOURCE PORTFOLIO

SOLUTIONS, S.A., and BELTLINE

ROAD INSURANCE AGENCY, INC.

11 **FILER'S ATTESTATION**

12 I, Sheri L. Kelly, attest, pursuant to Civil L.R. 5-1(i)(3), that concurrence in the filing of
13 this document has been obtained from the other signatory to this document.

14 DATED: March 11, 2015

LAW OFFICE OF SHERI L. KELLY

Sheri L. Kelly

17 By: /s/ Sheri L. Kelly

18 Sheri L. Kelly

Attorney for Plaintiff

19 MARGO PERRYMAN

21 **PROPOSED ORDER**

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 DATED: March 12, 2015

